

AMENDMENTS TO THE DRAWINGS

Appendix A includes a Replacement Drawing Sheet for sheet 7 in this application. Figure 5 has been removed from this drawing sheet, for the purpose of canceling it.

Appendix B includes Annotated Sheets for sheets 2, 3, 4, 6 and 8 in this application. These sheets show that Figures 2a, 2b, 2d and 7 have been canceled.

Applicants are canceling these drawings as a matter of convenience, and because they are not necessary to understand the invention as claimed and/or are cumulative to subject matter disclosed elsewhere in the application. Applicants cancel these drawings without prejudice and reserve the right to reinstate these drawings if necessary in order to comply with 35 U.S.C. § 112, either during the pendency of the application or afterwards, for example during a proceeding to obtain a Certificate of Correction.

REMARKS

This is in response to the non-final Office Action mailed March 27, 2008.

Claims 44, 46 and 65-111 are currently pending in this application. Claim 44 has been amended to incorporate the elements of claim 47, which was deemed allowable in the Office Action. Claim 46 has been amended to correct an erroneous dependency and to clarify the scope of the claim, and does not introduce new matter. New claims 65-111 have been added to further define particular embodiments of the invention. Support for these new claims can be found throughout the specification and in the claims as originally filed. For example, new claims 65-87 are supported by original claims 2-23; new claims 88-101 are supported by original claims 30-43; new claims 102-104 are supported by original claims 48-50; and new claims 105-111 are supported by original claims 54-60. No new matter is introduced.

Allowable Subject Matter

In the Office Action, claim 47 is objected to as being dependent on a rejected base claim. (Office Action, p. 5.) The Office Action states that the subject matter of claim 47 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. (Office Action, p. 5.) Claim 44 has been amended to recite “a DHPS-encoding polynucleotide comprising the sequence represented by SEQ ID NO: 1,” thus incorporating the elements of claim 47. Claim 46 has been amended so as to depend from amended claim 44 and to clarify the scope of the claim. Claim 46 is allowable as depending from an allowable claim. In addition, new claims 65-111 have been added to further define particular embodiments of the invention and do not introduce new matter. They are also allowable as depending from an allowable claim.

Accordingly, Applicants submit that claims 44, 46 and 65-111 are allowable and request that they be passed to issue.

Drawings

The Office Action requires new corrected drawings because “Figures 2a, 2b, 2d, 5 and 7 appear to be scanned photographs which do not show enough detail to determine what is represented as related to the invention.” (Office Action, p. 2.) Applicants have submitted a Replacement Drawing sheet for Sheet 7, including Figures 3, 4 and 6 but omitting Figure 5 (see MPEP § 608.02(t) and 37 C.F.R. § 1.121(d)). This Replacement Drawing sheet is included in Appendix A. Applicants have also submitted annotated copies of drawing sheets 2, 3, 4, 6 and 8. These sheets show that Figures 2a, 2b, 2d and 7 have been canceled. The annotated sheets are included in Appendix B. Applicants are canceling these drawings as a matter of convenience, and because they are not necessary to understand the invention as claimed and/or are cumulative to subject matter disclosed elsewhere in the application. Applicants cancel these drawings without prejudice and reserve the right to reinstate these drawings if necessary in order to comply with 35 U.S.C. § 112, either during the pendency of the application or afterwards, for example during a proceeding to obtain a Certificate of Correction.

Information Disclosure Statement

The Office Action notes that the listing of references on pages 27-29 of the specification is not a proper information disclosure statement. On March 26, 2008, Applicants submitted an Information Disclosure Statement and PTO Form SB/08 listing all references included the above-noted listing for which proper disclosure is required under 37 C.F.R. § 1.56. Accordingly, Applicants submit that the requirements set forth in 37 C.F.R. §§ 1.97, 1.98 and 1.56 have been satisfied as to this listing of references.

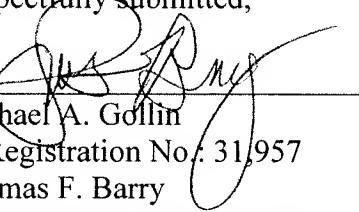
CONCLUSION

Applicants maintain that, for at least the reasons given above, all pending claims are patentable and that, as such, the instant application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Dated: July 28, 2008

Customer No. 26694

Respectfully submitted,

By 
Michael A. Gollin

Registration No.: 31,957
Thomas F. Barry
Registration No.: 57,586

Attorney for Applicant
VENABLE LLP
575 7th Street NW
Washington, DC 20004-1601
(202) 344-4000
(202) 344-8300 (Fax)

APPENDIX A

REPLACEMENT DRAWINGS